

Jefferson County Planning Commission  
March 28, 2017

The Jefferson County Planning Commission met on March 28, 2017 with the following Commission members present: Steve Stolipher, Vice President; Wade Louthan, J Ware, Mike Chapman, and Peter Onoszko. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders County Engineer; Nathan Cochran, Assistant Prosecuting Attorney; Alex Beaulieu, Zoning Administrator, and Rhonda Greenholtz, Planning Clerk.

Mr. Dickie Childs and Mr. Gary Phalen were absent with prior notification.

Mr. Gene Taylor was absent without prior notification.

Mr. Donnie Fisher informed a Planning Commission member that he would be late to the meeting.

Mr. Steve Stolipher presided over the meeting.

Mr. Stolipher called the meeting to order at 7:00 PM.

1. Notification of expiring Planning Commission member terms.

Mr. Dickie Childs informed Planning staff that he will not be reapplying for his position on the Planning Commission.

Mr. Mike Chapman informed the Planning Commission that he also would not be applying for another term.

Ms. Jennifer Brockman stated that applications needed to be submitted to the County Commission no later than Thursday, March 30, 2017 at noon to be considered at the April 6, 2017 County Commission meeting for a position on the Planning Commission.

2. Approval of the minutes from the following Planning Commission Meetings

- January 10, 2017

The minutes were approved with no objections.

3. Citizen Communications.

Ms. Sara Lambert introduced herself as the new Liaison to the Planning Commission for the Jefferson County Historic Landmarks Commission. Ms. Lambert is a Commissioner on the Historic Landmarks Commission and is currently a licensed architect located in Shepherdstown.

The Planning Commission members welcomed Ms. Lambert.

4. Request for postponement. None.

5. A Public Workshop was held for a Concept Plan for Genesis Center (PC File# S17-01) a mixed use development in the Neighborhood Commercial zoning district to be located on the east side of Route 480 (Kearneysville Pike) southwest of Morgan Grove Park. The applicant is proposing 3 commercial parcels including a restaurant, general commercial, and health care facility, all of which may include upper floor residential or offices. Additionally twelve (12) age restricted villa units are being proposed. The property is designated as Tax District: Shepherdstown (09); Tax Map: 13; Parcel 26.1 and 26.3. Zoned: Neighborhood Commercial; Size: 6.6194 Ac. (Parcel 26.1) and 2.95 Ac. (Parcel 26.3)

Ms. Jennifer Brockman gave a brief description of the role the Planning Commission plays. Ms. Brockman also gave a brief history of the site.

Mr. Fred Blackmer, spoke on behalf of the applicant, Aubrey E. & Dorothy V. Henry (owners of the property). Mr. Blackmer submitted a response to the Concept Plan checklist comments and a copy of the Submission and Completeness review to the Planning Commission. Mr. Blackmer presented an overview of the proposed Concept Plan.

The 3 acre parcel is being proposed for commercial uses within the guidelines of the Neighborhood Commercial zoning district which includes limiting the footprint of each building to 3,500 square feet. The larger parcel is designated as for single family residential under the Neighborhood Commercial zoning district and is proposed to be age restricted single family lots. The development will be served by Shepherdstown water and wastewater utilities. .

Mr. Blackmer clarified that the proposed commercial development of Parcel 26.3 depicted on the Concept Plan is a concept only and that the actual individual building uses and positioning are prospective and indicate the scale diversity of uses that may be incorporated into the final design of the development. No contract has been signed for those businesses as they are proposed commercial. Any of the three parcels would have to comply with the permitted uses in the zone. He also stated that he would like to make further comments regarding the traffic study after public comment so that he may address any concerns.

Ms. Brockman made the Planning Commission aware of the comments received from various outside agencies which are attached to the staff report.

Mr. Stolipher opened the floor to Public Comment.

Mr. Joe Spurgas thanked the exiting Planning Commission members for their service. Mr. Spurgas lives across from the old Morgans Grove Market. He spoke on specific concerns such as the condition of the site, site entrances and traffic. He would like to see a new legitimate traffic study relative to the site and proposed uses. Exiting from the Ledge Lowe subdivision can be very difficult. Mr. Spurgas inquired what the next step of the process is. Ms. Brockman stated that the next step would be for the applicant to submit a Preliminary Plat or Site Plan depending how they intend to move forward on the project.

Mr. Stolipher closed the Public Comment portion and permitted Mr. Blackmer to respond to the comments received.

Mr. Blackmer addressed the traffic concerns stating that the WVDOH has the final say and authority on any entrance permits and if a traffic study will be required. The staff report indicates that a traffic study be a condition of approval of the Concept Plan. Mr. Blackmer presented a copy of a portion of the Jefferson County Subdivision regulations stating that WVDOH review comments are due at the Preliminary Plat stage. Ms. Brockman clarified that the recommendation of the staff report is to accept the Concept Plan as complete provided that comments from the WV DOH regarding whether a Traffic Impact Study is required is received at the Site Plan stage. Mr. Blackmer does not want the approval of this project be clouded by a condition that is actually for a future submission. Mr. Blackmer addressed the entrance stating that entrance intended to serve the 55 and older single family residences will be at the top of the hill away from the commercial entrance and away from the Ledge Lowe entrance.

Ms. Brockman reiterated to the Planning Commission stated that no response had been received from the WVDOH and the approval of the Site Plan will be contingent upon the approval of this agency.

Mr. Mike Chapman made a motion to accept the Concept Plan as presented. Mr. Peter Onoszko seconded the motion. A vote was taken which passed unanimously.

6. Planning Commission recommendation to the County Commission on whether the Zoning Map Amendment (Z17-01) petition by Paul J, Raco Consulting for Jefferson Reality, LLC for property located at 4843 Middleway Pike from Rural to General Commercial is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Middleway Tax District (07), Map # 19A, Parcel #'s 13, 14 & 14.1.

Ms. Brockman stated that this is the first zoning map amendment processed under revisions to Article 12 which were approved in March 2016 that brought the Zoning Map Amendment process in conformance with the relevant portions of WV Code 8A. The applicant chose to present the petition to the County Commission who have scheduled the Public Hearing for April 6, 2017 at 1:30 pm. WV Code 8A and Article 12 of the Jefferson County Zoning Ordinance require the County Commission to refer such petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted Comprehensive Plan. Therefore, no Public comment will be heard by the Planning Commission on this item as it strictly being reviewed for the purpose of recommending to the County Commission if the petition is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Mr. Mike Shepp, representative for the applicant and applicant Jefferson Reality, LLC presented the request in a PowerPoint format. The history of the site, uses and nearby uses were presented. Mr. Shepp and applicant believe that the request to rezone the property is consistent with the *Envision Jefferson 2035 Comprehensive Plan* and are seeking a recommendation to this effect for the County Commission's information.

Ms. Brockman referred the Planning Commission to the staff report which provides an overview of the relevant sections of the *Envision Jefferson 2035 Comprehensive Plan* stated that staff finds the proposed rezoning to be consistent with the *Envision Jefferson 2035 Comprehensive Plan*. She stated that the Planning Commission is required to review this application and make a recommendation to the County Commission regarding consistency with the *Envision Jefferson 2035 Comprehensive Plan* prior to their April 6, 2016 Public Hearing.

Mr. J Ware made a motion to recommend approval to the County Commission that this request to rezone the property from Rural to General Commercial is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Mr. Mike Chapman seconded the motion. A vote was taken which carried unanimously.

7. Reports from Legal Counsel and legal advice to the Planning Commission.
  - a) Active Litigation:

- Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.

Mr. Cochran stated no new reports on this case.

8. Planners Memo.

- Ms. Brockman provided an overview of upcoming County Commission actions and a status on the outstanding Zoning Ordinance and Subdivision Regulation Amendments.
- She reported that the County Commission had approved the major LESA/Cluster Zoning Ordinance Text Amendment (ZTA16-01) which replaced the previous nontraditional Zoning Ordinance with a traditional Zoning Ordinance at their 3/16/17 CC Meeting.
- The next scheduled Planning Commission meeting is April 11, 2017 at 7:00 PM and there are two Concept Plan Workshops on that agenda.

9. President's Report. None

10. Actionable Correspondence. None

11. Non-Actionable Correspondence. None

Mr. Stolipher motioned to adjourn the meeting at 7:45 PM with no objections.

Mr. Donnie Fisher entered the meeting.